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4 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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TONY CHENG,

No. C 13-02641 JSW

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Plaintiff,

**ORDER DENYING REQUEST
FOR WAIVED TRANSCRIPT
FEES**

10

v.
SCHLUMBERGER,11
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Defendant.

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On August 31, 2013, Plaintiff filed a request in which he asks the Court to waive the fees for preparing transcripts in this matter “for the entire duration of this legal proceeding.”

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Under 28 U.S.C. Section 1915, “the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.” 28 U.S.C. § 1915(c). Plaintiff has not shown that any of these conditions apply to his case.

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In addition, under 28 U.S.C. Section 753(h),

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[f]ees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge

1 certifies that the suit or appeal is not frivolous and that the transcript is
2 needed to decide the issue presented by the suit or appeal. Fees for
3 transcripts furnished in other proceedings to persons permitted to appeal in
4 forma pauperis shall also be paid by the United States if the trial judge or
5 a circuit judge certifies that the appeal is not frivolous (but presents a
6 substantial question). The reporter may require any party requesting a
7 transcript to prepay the estimated fee in advance except as to transcripts
8 that are to be paid for by the United States.

9 Again, none of these circumstances are applicable in this case. *Cf. Bonner v. Henderson*, 517
10 F.2d 135, 136 (5th Cir. 1975) (holding that pro se litigant was “not entitled to a free copy of his
11 transcript and record to search for possible trial defects merely because he is an indigent”).

12 Accordingly, Plaintiff’s request to waive the transcript fees is DENIED. This ruling
13 shall not preclude Plaintiff from seeking a waiver of transcript fees if this matter proceeds to the
14 appellate stage.

15 **IT IS SO ORDERED.**

16 Dated: September 23, 2013

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18 JEFFREY S. WHITE
19 UNITED STATES DISTRICT JUDGE